LOCAL GOVERNMENT (IRELAND) ACT, 1898.

RULES.

COPIES OF TWO ORDERS IN COUNCIL, DATED 22ND DECEMBER, 1898, MAKING RULES UNDER THE ACT.

PRESENTED IN PURSUANCE OF ACT
(61 & 62 Vict., Cap. 37, Sec. 107).

(*Mr. GERALD BALFOUR.*)

Ordered, by THE HOUSE OF COMMONS, *to be printed*
9 *February*, 1899.

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THE LOCAL GOVERNMENT (TRANSITORY PROVISIONS) (No. 2) ORDER, 1898.

By the Lord Lieutenant and Privy Council of Ireland.

CADOGAN.

61 & 62 Vict. c. 37.

WHEREAS it is enacted by section one hundred and six of the Local Government (Ireland) Act, 1898, that the Lord Lieutenant by Order in Council may (among other matters) make such transitory provisions as appear to him necessary or expedient for bringing the said Act into operation, and in particular for the various matters in the said section mentioned.

And whereas it appears to Us necessary or expedient for the above purposes that the provisions hereinafter contained should have full effect:

Now, therefore, We, the Lord Lieutenant-General and General Governor of Ireland, by virtue of the powers vested in Us for that purpose as aforesaid, and of all other powers enabling Us in that behalf, by and with the advice of Her Majesty's Privy Council in Ireland, do order and it is hereby ordered as follows:—

Short Title and Interpretation.

Short title.

1. This Order may be cited as the Local Government (Transitory Provisions) (No. 2) Order, 1898.

Definitions.

2.—(1.) In this Order, unless the context otherwise requires,—

(*a.*) The expression "the Act" shall mean the Local Government (Ireland) Act, 1898, and includes any Order made under Part Six thereof, and expressions referring to the Act or to enactments in the Act or to the passing of the Act shall be construed to include a reference to any such Order, or to the provisions of any such Order, or to the making of any such Order.

(*b.*) Other expressions shall, subject to the express provisions in this Order, have the same meaning as in the Act.

(*c.*) Any reference in any provision to the appointed day shall mean such day as under the Act may be the appointed day for the purpose of that provision.

(*d.*) The expression "local Act" includes a Provisional Order confirmed by an Act, and the Act confirming the Order.

(2.) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Action of Grand Juries, Presentment Sessions, Guardians, Councils, Authorities, and Officers affected by the Act.

As to presentments and county cess before 30th September, 1899.

3.—(1.) It shall be the duty of every grand jury and presentment sessions to provide for liquidating so far as practicable, before the appointed day, all current debts and liabilities incurred in respect of their county or barony.

(2.) The grand jury of each county at the spring assizes next after the date of this Order and the presentment sessions held next after the sixteenth day of August one thousand eight hundred and ninety-eight shall proceed in like manner as if the Act had not passed, subject as follows:

(*a.*) they shall not take into account possible receipts from the agricultural grant; and

(*b.*) they shall not make a presentment for any new work unless it was certified by the foreman of the grand jury at the previous assizes, but they shall make such presentments in respect of works to be executed, salaries to be paid, and matters to be done subsequent to the spring assizes as will meet everything required up to the last day of September next following, and as appear necessary to comply with the provisions of this Order with respect to the liquidation of current debts and liabilities; and

(*c.*) they may arrange for the continuance up to the said last day of September of contracts expiring before that day, and for any other matter required up to that day for the proper maintenance of works; and

(*d.*) they may make presentments provisional upon a certificate by the county surveyor before the assizes, and if such certificate is given, such provisional presentment shall have the effect of a presentment.

(3.) The grand jury shall, notwithstanding the absence of a presentment by presentment sessions, or any disallowance by presentment sessions, make such presentments and arrangements as appear to them necessary or proper for carrying into effect this Article, and for that purpose may vary any presentment by presentment sessions.

(4.) Every grand jury may at the said spring assizes re-appoint for a term not exceeding three months any high constable and collector, or collector of a barony, or deputy-collector under section one hundred and forty-eight of the Grand Juries Act, 1836, who was appointed at the summer assizes in the year one thousand eight hundred and ninety-eight, and may also re-present any arrears of county cess applotted at any assizes before the said spring assizes.

(5.) Receipts in respect of the county cess applotted before the said spring assizes shall, subject to the provisions of this Article, be paid to the county treasurer in like manner as if the Act had not passed.

(6.) Such payments out of the county cess applotted before the said spring assizes as are

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required to be made in pursuance of the presentments at those or former assizes shall, subject to the provisions of this Article, be paid by the county treasurer in like manner as if the Act had not passed.

(7.) After the day fixed by the county council or, if any adjustment is required, by the Local Government Board, all receipts and payments in respect of any county cess applotted before the said spring assizes shall be paid into and out of the county fund as if they were receipts and payments in respect of the poor rate levied under the Act, but until the day so fixed, the payments made to and by the county treasurer shall be made in accordance with the directions (if any) given by or on behalf of the Local Government Board.

(8.) The county treasurer shall pay such fee for the audit of the county treasurer's accounts after the spring assizes as would have been payable if the Act had not passed.

(9.) As respects payments out of money to be raised after the said spring assizes to meet presentments at those assizes, no county cess shall be applotted to meet the same, but the money required for those payments shall be raised by the county council.

(10.) In the construction of this Article with respect to the county of Dublin—

(*a*.) "presenting term" shall be substituted for "assizes" and "Easter presenting term" for "spring assizes," and "finance committee" for "county treasurer"; and

(*b*) presentments shall be made for the period ending the last day of September next following, and not for the whole year; and

(*c*) adjourned sessions shall not be held after the Easter presenting term in the year one thousand eight hundred and ninety-nine but the grand jury at that term shall have all the powers of such adjourned presentment sessions, with the exception that they shall not continue the contracts expiring on the first day of June one thousand eight hundred and ninety-nine up to the following last day of September, but shall place all the works to which such contracts relate in the charge of the county surveyor; and

(*d*) the grand jury at the said presenting term shall provide that all works then in the charge of the county surveyor shall continue in that charge up to the last day of September one thousand eight hundred and ninety-nine.

As to guardians and district councils before 30th September, 1899.

4.—(1.) Every board of guardians, as regards the first poor rate made after the sixteenth day of August one thousand eight hundred and ninety-eight, shall make the same only for the service of the period ending on the last day of March, one thousand eight hundred and ninety-nine; but otherwise every board of guardians shall make, levy, collect, and recover the poor rate in like manner as if the Act had not passed.

(2.) In the case of a union part of which is within and part without the city of Dublin, the foregoing provision shall apply as respects that portion of the union which is without the city; but as respects that portion of the union which is within the city, the board of guardians shall estimate the amount required by them, according to the law existing at the passing of the Act, for the service of the period ending on the last day of March one thousand eight hundred and ninety-nine, and estimate the amount required by them according to the law as altered by the Act for the service of the period between the said last day of March and the first day of October following, and shall send the estimate of those amounts to the Collector-General of Rates under the Dublin Collection of Rates Act, 1849, and that Collector-General shall make, levy, collect, and recover the rate for the total of the two amounts in like manner as if the Act had not passed. 12 & 13 Vict. c. 91.

(3.) A county council may, with the approval of the Local Government Board, temporarily advance, out of the money received by the council from the agricultural grant, such sums to any rural district council or board of guardians as that council or board require to meet their expenses, until the full demand of such council or board can be met out of the poor rate; and if and so far as any such advance is not made or is insufficient, the county council or the rural district council or board of guardians may, with the approval of the Local Government Board, borrow temporarily the required amount.

As to Dublin Collector-General of Rates and police and bridge rate.

5.—(1.) The Commissioner of Police of Dublin Metropolis and the Dublin Port and Docks Board respectively shall estimate the amount required by him or them according to the law existing at the passing of the Act for the service of the period ending on the last day of September one thousand eight hundred and ninety-nine, and shall send the estimate of those amounts to the Collector-General of Rates under the Dublin Collection of Rates Act, 1849, and that Collector-General shall make, levy, collect, and recover the rates for the said amounts in like manner as if the Act had not passed. 12 & 13 Vict. c. 91.

(2.) The Commissioner of Police of Dublin Metropolis and the Dublin Port and Docks Board respectively shall estimate the amount required by him or them according to the law as altered by the Act for the service of the period between the last day of September one thousand eight hundred and ninety-nine and the first day of April nineteen hundred, and shall send the estimate of those amounts to the county councils for the county and the city of Dublin, and those county councils shall pay and raise the amounts in accordance with the Act in like manner as if they were estimates for the second half of the local financial year.

Collection of arrears of rates made by Dublin Collector-General of Rates.

6. Any sum due on account of a rate assessed upon any premises by the Collector-General of Rates under the Dublin Collection of Rates Act, 1849, which has not been collected at the time when the Collector-General ceases to hold office, may be collected by the county council of the county in which the said premises are situate, and for the purpose of collecting and recovering such sum the powers of the Collector-General of Rates shall be transferred to the said county council.

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As to rates of urban authorities before the Act comes into full operation.

7. Notwithstanding anything in any general or local Act, the council of any borough or town during the period between the passing of the Act and the time at which the Act comes into full operation may, for the purpose of raising money required to meet their expenses, make any rate or assessment either—

(a) for the service of the period ending on the thirtieth day of September one thousand eight hundred and ninety-nine; or

(b) for the service of the period ending on the thirty-first day of March nineteen hundred;

and in either case the making of such rate or assessment shall not, if the Local Government Board so authorise, prevent the making of any further rate or assessment during the same year, for the service of some period ending on the thirty-first day of March nineteen hundred; and where any rate or assessment is made as mentioned in this Article, enactments relating to the year's rates shall apply thereto with such modifications as may be prescribed by the Local Government Board.

As to rates made in 1899 after 1st April.

8. Any rate made in the year one thousand eight hundred and ninety-nine after the first day of April shall be made according to the revised valuation list prepared by the Commissioner of Valuation, and sent by him to the authority making the rate; and the said authority, if necessary, shall postpone the making of the rate until the list is so received, and, with the approval of the Local Government Board, may, during such postponement, borrow temporarily any sum required to meet their current expenses.

First Meeting of County Councillors.

First county council 61 & 62 Vict. c. 41. ss. 105, 701

9.—(1.) The first meeting of the county council shall be held on the twelfth day next after the day of the first election at the court house of the county or other place fixed by the returning officer, and shall be convened by the returning officer in like manner as meetings of the council are required by the Act to be convened, and as if the person convening the same were the chairman of the council.

(2.) At the first meeting the council shall first choose one of their number to be chairman of the meeting, and if an equal number of votes is given for two or more persons for such chairman, the meeting shall determine by lot which of those persons shall be the chairman of the meeting.

(3.) The meeting shall then proceed as their first business to consider the question of choosing additional councillors, if it is so determined to choose those councillors, and those councillors, if in attendance, shall be entitled to make the declaration of office, and take their seats and vote in the choosing of the chairman.

(4.) The council shall then proceed as their second business to choose the chairman of the council for the year, and the chairman so chosen, if present, shall on making the declaration accepting office, take the chair in place of the chairman of the meeting.

(5.) In case of equality of votes at the choice of the chairman of the council, the chairman of the meeting shall have a second or casting vote.

(6.) If any members of a joint committee or joint board are appointed by the county council, the consideration of the appointment of such member shall be part of the business at the first meeting after the election of chairman.

(7.) The council may also at their first meeting, if they think fit, choose a vice-chairman.

(8.) The term of office of the first chairman and vice-chairman of the county council shall end on the day of the annual meeting in the year nineteen hundred.

(9.) A county council need not hold an annual meeting in the year one thousand eight hundred and ninety-nine, and the annual meeting of the first county council in any subsequent year shall be held at the time it would be held if the election had been on the first day of June one thousand eight hundred and ninety-nine.

(10.) This Article shall apply to the county of Dublin in like manner as to any other county, except that the first meeting of the county council shall be held on the second day of May next after the day of the first election.

(11.) This Article shall not apply to a county borough.

First Rural District Councillors and Guardians.

First rural district councillors.

10.—(1.) The rural district councillors elected at the first election under the Act shall come into office in their capacity as rural district councillors on the day next after the day of election.

(2.) The first meeting of the rural district council shall be held on the fifth day next after the day of the first election at the board room of the guardians of the union or other place fixed by the returning officer, and shall be convened by the returning officer in like manner as the meetings of the council are required by the Act to be convened, and as if the person convening the same were the chairman of the council.

(3.) At the first meeting the council shall first choose one of their number to be chairman of the meeting, and if an equal number of votes is given for two or more persons for such chairman, the meeting shall determine by lot which of those persons shall be the chairman of the meeting.

(4.) The meeting shall then proceed as their first business to choose additional councillors, as required by section one hundred and thirteen of the Act, and the councillors then chosen, if in attendance, shall be entitled to make the declaration of office and take their seats and vote at the subsequent proceedings of the meeting.

(5.) The meeting shall then proceed, as their second business, to consider the question of choosing additional councillors under section twenty-five of the Act, and if it is so determined to choose those councillors, and any additional councillors then chosen, if in attendance, shall be entitled to make the declaration of office and take their seats and vote in the choosing of the chairman.

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(6.) The meeting shall then proceed as their third business to choose the chairman of the council for the year, and the chairman so chosen, if present, shall, on making the declaration accepting office, take the chair in place of the chairman of the meeting.

(7.) In case of equality of votes at the choosing of additional councillors or the choosing of the chairman of the council, the chairman of the meeting shall have a second or casting vote.

(8.) If any members of a joint committee or joint board are appointed by the rural district council, the consideration of the appointment of such members shall be part of the business at the first meeting after the election of chairman.

(9.) The council may also at their first meeting, if they think fit, choose a vice-chairman.

(10.) The term of office of the first chairman and vice-chairman of the rural district council shall end on the day of the annual meeting in the year nineteen hundred.

(11.) A rural district council need not hold an annual meeting in the year one thousand eight hundred and ninety-nine, and the annual meeting of the first rural district council in any subsequent year shall be held at the time it would be held if the election had been on the first day of June one thousand eight hundred and ninety-nine.

First guardians.

11.—(1.) The rural district councillors elected at the first election under the Act shall come into office in their capacity as guardians on the day of the meeting of the board of guardians next after the first meeting of the rural district council, and the guardians of a union elected at the first election under the Act for an electoral division in a county borough or urban county district shall come into office on the same day.

(2.) The first meeting of the board of guardians of a union after the first election under the Act of rural district councillors shall be held on the same day as the first meeting of the rural district council in the union, but after the conclusion of the first meeting of that council, or on such day not more than four days later as may be fixed by the returning officer, and shall be convened by the returning officer in like manner as meetings of the council are required by the Act to be convened, and as if the person convening the same were the chairman of the council.

(3.) On the day of such first meeting all persons who are then guardians shall retire from office, but until that day the persons who are guardians at the date of this Order shall continue in office, notwithstanding any want of qualification, as if the term of office for which they were elected expired on that day, and until the election under the Act no further election shall be held except for filling casual vacancies.

First County Borough and Urban County District Councillors and Continuance in Office of existing Councillors, &c.

First county borough and urban district councillors and aldermen and continuance in office of existing councillors, &c.

12.—(1.) Upon the day next after the day of election all the persons who are then members of the council of any borough or commissioners of a town shall cease to hold office, but until that day the term of office of any such members who were in office on the sixteenth day of August one thousand eight hundred and ninety-eight shall continue, notwithstanding any want of qualification; and until the first election under the Act no further election shall, after the said sixteenth day of August, be held except for filling casual vacancies;

Provided that in the case of Belfast and Londonderry, this provision shall apply only to those persons who, but for the Act, would have retired in November one thousand eight hundred and ninety-eight, instead of applying to all the members of the council, and the other members of the council shall continue in office until the ordinary day of retirement of councillors and aldermen next following the month of November in which but for the Act such members would have retired.

(2.) The first meeting of each council for a county borough or urban county district or of the commissioners of a town held after the first election under the Act, shall be convened by the mayor or chairman of the commissioners, as the case may be, to meet on the day on which the first meeting of the council or commissioners after the ordinary annual or triennial elections of councillors or commissioners are required by law to be held.

(3.) The term of office of the mayor of a borough or chairman of the commissioners of a town, who was in office on the sixteenth day of August one thousand eight hundred and ninety-eight, shall continue, notwithstanding any want of qualification, until a mayor or chairman has been chosen by the council or commissioners elected at the first election under the Act for that borough or town, and has made a declaration accepting office, and shall then cease, and until then such mayor or chairman may, notwithstanding any want of qualification, preside at the meetings of the council or commissioners in like manner as if there had been no new election under the Act of the members thereof.

(4.) In any town not a borough the council or commissioners at their first meeting shall, as their first business, choose the chairman for the year of the council or commissioners; and the chairman so chosen shall, upon making the declaration, come into office immediately.

(5.) In the case of equality of votes at the first meeting of the council of any county borough or urban county district, or of the commissioners of any town not an urban county district, the chairman of the meeting, whether entitled or not to vote in the first instance, shall have a casting vote, and if on the choice of the chairman of the meeting, in the absence of the mayor or chairman, an equal number of votes is given to two or more persons, the meeting shall determine by lot which of those persons shall be the chairman.

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(6.) Where a member of a joint board is appointed by the council of a borough or any urban sanitary authority all the members of which council or authority are re-elected under the Act, the term of office of a member of such joint board holding office at the date of this Order shall continue until the first meeting of the newly elected council and shall then cease, and except for filling casual vacancies no further appointment shall be made before that meeting.

(7.) The term of office of the municipal commissioners of Carrickfergus who were in office on sixteenth day of August one thousand eight hundred and ninety-eight shall continue, notwithstanding any want of qualification, until the day next following the day of the first election under the Act of a council—

(a) so far as the commissioners are an urban sanitary authority, then for the urban district of Carrickfergus; and

(b) so far as those commissioners are a rural sanitary authority, then for the rural district comprising the portion of Carrickfergus, which is a rural sanitary district,

and until the said elections no further election shall after the said sixteenth day of August be held except for filling casual vacancies. After the term of office of the Municipal Commissioners ceases under this provision, those commissioners shall finally cease to hold office.

(8.) The term of office of the chairman of the Municipal Commissioners of Carrickfergus shall continue, notwithstanding any want of qualification, until the day above-named for the continuance in office of the Municipal Commissioners.

(9.) The term of office of any sheriff for a county of a city or county of a town other than Galway and Carrickfergus, who was in office on sixteenth day of August one thousand eight hundred and ninety-eight, shall continue until the twenty-third day of February next after the first election of councillors under the Act, and except for the purpose of filling a casual vacancy in the office of sheriff, no further selection of sheriff shall be made by the council of the city or town until after the first election under the Act.

(10.) Until the jurors' books, which are revised in the year one thousand eight hundred and ninety-nine, come into operation—

(a) the sheriffs for the county of the city of Kilkenny and for the county of the town of Drogheda, shall continue to be selected and appointed in like manner as heretofore (but at the dates fixed by the Act as respects sheriffs of other counties of cities and towns), but upon the said jurors' books coming into operation the sheriffs so appointed shall cease to hold office;

(b) the sheriffs for the counties of the towns of Galway and Carrickfergus shall continue to be appointed as heretofore, but upon the said jurors' books coming into operation, shall cease to hold office.

First Elections.

Arrangements for election by existing urban and rural sanitary authorities.

13. The existing urban and rural sanitary authorities, as respects district councillors, the existing commissioners of a town, not an urban district as respects the commissioners of the town, and the council or commissioners for a county borough or urban county district as respects the guardians for electoral divisions in such borough or districts, shall take the necessary measures for the conduct of the first elections of district councillors, commissioners, or guardians, as the case may be, under the Act, including any thing required by any Order in Council or rules made thereunder.

Relief of sureties under existing contracts from disqualification.

14. The fact that a person is a surety for any contractor under a contract transferred to a county council by the virtue of the Act, shall not disqualify that person from being elected or chosen or being a member of that council, or of any district council.

Retirement of First Councillors, &c.

Retirement of first councillors, guardians, &c.

15.—(1.) The councillors of a council for a county at large or a rural district who are elected at the first election under the Act, shall retire from office on the ordinary day of retirement of such councillors in the year nineteen hundred and two, and the guardians of a union elected for electoral divisions in a county borough or urban county district shall retire from office on the ordinary day of retirement of rural district councillors in such union.

(2.) In the case of a county borough and every urban county district and every town not an urban district, the councillors, aldermen, and commissioners elected at the first election under the Act shall, save as hereafter mentioned, retire as follows, that is to say:—

(a) One-third, as nearly as may be, of the councillors or commissioners shall continue in office until the ordinary day of retirement of such councillors or commissioners in the year one thousand nine hundred, and shall then retire.

(b.) One-third, as nearly as may be, shall continue in office until the said day in the year nineteen hundred and one, and shall then retire.

(c.) The remainder shall continue in office until the same day in the year nineteen hundred and two, and shall then retire.

(d.) The councillors or commissioners who shall first go out of office shall be the councillors or commissioners who were elected by the smallest number of votes at the first election, and in the next year those who shall go out of office shall be the councillors or commissioners who were elected by the next smallest number of votes at the first election, the majority of the whole council or commissioners always determining, when the votes for any such persons have been equal or when there has been no contest, who shall be the persons to go out of office. See. 3 & 4 Vict. c. 108 s. 61.

(e.) Section sixty-two of the Municipal Corporations (Ireland) Act, 1840, shall, except in the case of Belfast and Londonderry, apply in like manner as if the year nine- 3 & 4 Vict. c. 108.

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teen hundred and two were the third year after the Act came into operation in any borough.

(3.) In the case of a county borough or an urban county district or a town not an urban district divided into wards, the foregoing provisions with respect to the retirement of councillors or commissioners shall apply separately to each ward.

(4.) Where the councillors of an urban county district or commissioners of a town not an urban county district serve for three years and then retire together, the first councillors elected under the Act shall retire on the ordinary day of retirement of councillors in the year nineteen hundred and two.

Transfer of Property held under the Lighting of Towns (Ireland) Act, 1828.

Transfer of property held under the Lighting of Towns (Ireland) Act, 1828.

16.—(1.) Where the Towns Improvement (Ireland) Act, 1854, and the Acts amending the same apply by virtue of section forty-one of the Act to a town having commissioners under the Lighting of Towns (Ireland) Act, 1828, then, on the first election of a council or commissioners for that town after the application takes effect, the powers, duties, and authorities conferred upon or vested in the old commissioners, whether by statute or otherwise, other than those conferred by the said Act of 1828, and all property of those commissioners (including all property vested in them under the Municipal Corporations (Ireland) Act, 1840), and all claims, demands, and liabilities or engagements of those commissioners shall be transferred to and vested in the new council or commissioners constituted in pursuance of the Act.

17 & 18 Vict. c. 103. 6 Geo. 4, c. 82.

(2.) On the first election of a council for the urban district of Carrickfergus, all claims, demands, liabilities, or engagements of the Municipal Commissioners of Carrickfergus shall be transferred to and vested in the council, but any liability of the portion of Carrickfergus which is not part of the urban district to meet such claims, demands, liabilities, and engagements, shall on the application of the urban district council be dealt with by the Local Government Board as a matter of adjustment under the Act.

Existing Officers' Remuneration.

Remuneration of existing officers.

17.—(1.) There shall be paid out of the county fund to any county or union officer such reasonable remuneration, not exceeding the scale approved by the Local Government Board, as the county council, or, in case of the officer being dissatisfied by the amount awarded by the county council, the Local Government Board, may award for expenses incurred or extra services rendered by him in bringing the Act into operation.

(2.) Every county council shall pay to the secretary of the grand jury and any other officers transferred to that council such sums as are necessary in order to give to such secretary or other officer until he begins to receive remuneration under the Act the like remuneration as he would have received if the Act had not passed, and if any question arises as to what sums are so necessary, that question shall be referred to the Local Government Board, whose decision will be final.

Adjustment by Local Government Board.

Adjustment of financial relations on alteration of boundaries or any other changes under the Act.

18.—(1.) Where, under the provisions of the Act, or any order made or thing done in pursuance of the Act within twelve months after the passing thereof, whether by reason of an alteration in the boundaries of any county or any district union or part of a county, or by reason of any alteration in the method of assessing the poor rate, or of raising the charges heretofore levied off any area, or of any transfer of business by or in pursuance of the Act, or otherwise by reason of anything contained in the Act, any change is caused in the area which is to bear any particular charge or expense, or where any matter is declared by the Act to be the subject or a matter of adjustment, the Local Government Board, as soon as may be after the passing of the Act, or the making of such order or the doing of such thing, but after due inquiry and communication with the various authorities concerned, shall by any order or orders apportion and adjust any property, income, debts, liabilities, and expenses of any area or local authority affected by such alteration.

(2.) Any such order may be varied by the Local Government Board if satisfied that any error has been made therein, but unless so varied shall be final, and all the provisions of the Act respecting adjustments and sums payable therefor and matters which may be done by such adjustment or by an order altering boundaries shall apply for the purposes of this article.

(3.) Where a barony or any other area liable under any guarantee or other liability is divided between two or more counties or county districts the foregoing provisions shall apply to the adjustment of any guarantee, or other liability between the divided parts of the barony or area affected as the case may be and such adjustment may be made to vary in any manner in which the amount of the guarantee or liability may vary.

(4) Any balance in the hands of the treasurer of a board of guardians on the appointed day shall not, until an adjustment has been made between that board and the rural district council, be dealt with except to the extent and in the manner authorised by the Local Government Board.

(5.) An order under this Article shall contain such consequential provisions as the Local Government Board may deem necessary with respect to the transfer or retention of any property, duties, and liabilities with or without any conditions, and for the joint use of any property, and for the transfer of any duties, whether of any council or officer, and for the payment of any sums by any authorities affected by any adjustment under this section, and for the funds out of which the same are to be paid. See 54 & 55 Victoria c. 48.

Adjustment of balances of electoral divisions.

19. In any union in which by reason of the adjustment made by an order under the preceding Article in relation to the balances, whether to debit or credit, as between electoral divisions and the union, any sum appears to the Local Government Board to be due from any electoral division to the union, or from the union to any electoral division, the Local Government Board shall, by the adjustment order or any other

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order, make such provisions as appear to them necessary on the next practicable levy of poor rate, to obtain such balance from the electoral division, or to give to the electoral division the benefit of the balance due to it; and may for that purpose suspend or adapt the provisions of the Act with respect to union rating, and the agricultural grant in such manner, and make such supplemental provisions respecting the demands made by the guardians on the county council, or by the county council on urban district councils, or otherwise as may appear to them necessary for carrying into effect this Article.

Given at Dublin Castle this 22nd day of December, 1898.

Ashbourne, *C.* William O'Brien.
John Atkinson. C. H. Hemphill.
W. J. Pirrie.

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THE LOCAL GOVERNMENT (APPLICATION OF ENACTMENTS) ORDER, 1898.

By the Lord Lieutenant and Privy Council of Ireland

CADOGAN.

WHEREAS it is enacted by section one hundred and four of the Local Government (Ireland) Act, 1898, that there shall apply to Ireland so much as the Lord Lieutenant, by Order in Council, declares applicable of the English and Scotch enactments specified in the Fourth Schedule to that Act, and the enactments amending the same, being enactments relating among other matters to matters in the said section mentioned, and that an Order in Council under the said section may—

(*a.*) apply any of the said enactments to both county and district councils and guardians and town commissioners, and committees appointed by or comprising members of any of such councils, guardians, or commissioners, or to any of them, notwithstanding that they relate to county councils only or to district councils only or to guardians only; and

(*b.*) provide for the transfer to county councils of lunatic asylums and all property and liabilities connected therewith and for the exception of any debt incurred (whether before or after the passing of this Act) on account of lunatic asylums from being reckoned in the limitation of amount imposed by any of the said enactments upon the borrowing by county councils, and for the joint committee of the counties comprised in a lunatic asylum district exercising jointly for the purpose of the lunatic asylum the powers of those councils relating to borrowing; and

(*c.*) make such adaptations of the said enactments as appear necessary or expedient for carrying into effect the application thereof to Ireland; and

(*d.*) make such adaptations of local Acts as appear required to bring them into conformity with any of the said enactments.

And whereas it appears to us expedient that so much of the said enactments, as is set out in the schedule to this Order with the adaptations and applications therein appearing should apply to Ireland, and that such provisions should be made with respect to lunatic asylums and the adaptation of local Acts as appear in the said schedule.

Now therefore, We, the Lieutenant-General and General Governor of Ireland, by virtue of the powers vested in Us for that purpose as aforesaid, and of all other powers enabling Us in that behalf, by and with the advice of Her Majesty's Privy Council in Ireland do declare, and it is hereby declared that—

(1.) So much of each of the English and Scotch enactments specified in the Fourth Schedule to the Local Government (Ireland) Act, 1898, and the enactments amending the same, as is set out in the schedule to this Order, is applicable to Ireland and is hereby applied accordingly, with such adaptations and applications as appear in that schedule.

(2.) Such provisions shall be made with respect to lunatic asylums and the adaptation of local Acts as appear in the schedule to this Order.

(3.) The application of each of the said enactments to Ireland shall come into force on the day (if any) in that behalf mentioned, and subject thereto on the appointed day, as if this Order were part of the Local Government (Ireland) Act, 1898.

(4.) This Order may be cited as the Local Government (Application of Enactments) Order, 1898.

Given at the Council Chamber, Dublin Castle, the 22nd day of December, 1898.

Ashbourne, *C.* · William O'Brien.
John Atkinson. C. H. Hemphill.
W. J. Pirrie.

SCHEDULE.

General.

General provisions as to adaptation and definitions.

1.—(1.) In this Schedule, unless the context otherwise requires:—

(*a.*) The expression "the Act" shall mean the Local Government (Ireland) Act, 1898, and includes any Order made under Part Six thereof; and expressions referring to the Act or to enactments in the Act, or to the passing of the Act, shall be construed to include a reference to such Order or to provisions of such Order, or to the making of such Order.

(*b.*) Other expressions shall, subject to the express provisions in this Schedule, have the same meaning as in the Act.

(*c.*) The expression "chairman" includes the mayor of a borough.

(*d.*) The expression "property" includes all property, real and personal, and all estates, interests, easements, and rights, whether equitable or legal, in, to, and out of property real and personal, including things in action, and registers, books, and documents; and when used in relation to any grand jury, board, sanitary authority, or other authority, includes any property which on the appointed day belongs to, or is vested in, or held in trust for, or would but for the Act have, on or after that day, belonged to, or been vested in, or held in trust for, such grand jury, board, sanitary authority, or other authority. L. G. Act, 1898 s. 100

(*e.*) The expression "liabilities" includes liability to any proceeding for enforcing any duty or for punishing the breach of any duty, and includes all debts and liabilities to which any authority are or would but for the Act be liable or subject to, whether accrued due at the date of the

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transfer or subsequently accruing, and includes any obligation to carry or apply any money to any sinking fund or to any particular purpose; and includes all liabilities imposed by or arising under any local and personal Act.

(*f*.) The expression "expenses" includes costs and charges.

(*g*.) The expression "costs" includes charges and expenses.

L. G. Act, 1894, s. 75.

(*h*.) The expression "election" includes both the nomination and the poll.

(*i*.) The expression "local and personal Act" includes a Provisional Order confirmed by an Act and the Act confirming the Order.

(2.) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order, as it applies to the interpretation of an Act of Parliament.

Provisions as to Sundays and Bank Holidays. L. G. Act, 1894, s. 78.

2. When the day on which anything is required by or in pursuance of the Act to be done is Sunday, Christmas Day, or Good Friday, or a Bank Holiday, that thing shall be done on the next following day not being one of the days above mentioned.

Making of Registers by Street Order.

Lists and registers may be arranged according to streets. 41 & 42 Vict. c. 26, s. 21.

3.—(1.) If and so far as the local authority so direct, the lists and registers of parliamentary voters and local government electors in parliamentary boroughs, and the lists of claimants and persons objected to in parliamentary boroughs, or any of those documents, shall so far as they relate to persons qualified in respect of the ownership or occupation of property (including persons qualified in respect of lodgings), be arranged in the same order in which the qualifying premises appear in the rate book relating to the poor rate in the district electoral division (or other area for which the lists are made up) in which those premises are situate, or as nearly thereto as will cause those lists and registers to record the qualifying premises in successive order in the street or other place in which they are situate.

(2.) "The local authority" in this Article means as regards a parliamentary borough the council of the municipal borough which comprises the whole or the larger part of the parliamentary borough.

51 & 52 Vict. c. 10, s. 4 (3).

(3.) Where a municipal borough or an urban county district is co-extensive with any parliamentary county within the meaning of the Re-

48 & 49 Vict. c. 23.

distribution of Seats Act, 1885, the lists and register of parliamentary voters and local government electors may be directed by the county council to be made out according to the order in which the qualifying premises appear in the said rate book, and the foregoing provisions of this Article shall apply to such borough or urban county district, and where lists of voters are so made out, nothing in this Act shall require such part of the county register as consists of those lists to be arranged alphabetically.

Elections.

Removal of disqualification of married women. L. G. Act, 1894, s. 48.

4. For the purposes of the Act a woman shall not be disqualified by marriage for being on any local government register of electors, or for being an elector of any local authority, provided that a husband and wife shall not both be qualified in respect of the same property.

Elections, polls. L. G. Act, 1894, ss. 26 (5), 23 (5), 24 (1). L. G. Act, 1894, s. 48, (2), to (4).

5.—(1.) The election of county councillors and urban and rural district councillors and of alderman in boroughs and of guardians in boroughs and urban county districts, and of commissioners of a town not being an urban district, shall, subject to the provisions of the Act, be conducted according to rules framed under this Order by the Local Government Board.

(2.) The Rules so framed shall, notwithstanding anything in any other Act, have effect as if enacted in the Act, and shall provide, amongst other things—

(*a*) for every candidate being nominated in writing by two local government electors as proposer and seconder and no more;

(*b*) for preventing an elector at an election of a council for a county, county borough, or district, or of guardians for an electoral division in an urban district, from subscribing a nomination paper or voting—

(i) in more than one county electoral division as respects the council for a county; or,

(ii) in more than one ward as respects the council for a county borough, or urban district, or commissioners of a town; or,

(iii) in more than one district electoral division as respects the council for a rural district; or,

(iv) in more than one district electoral division of a union for the members whether district councillors or guardians of the board of guardians for that union;

(*c*) for fixing or enabling the county council to fix the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening;

(*d*) for the polls at elections held at the same date and in the same area being taken together, except where this is impracticable;

(*e*) for the appointment of returning officers for the elections.

(3.) At every election regulated by rules framed under this Order, the poll shall be taken by ballot, and the Ballot Act, 1872, and the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and sections fifty-six, seventy-four and seventy-five and Part IV. of the Municipal Corporations Act, 1882, as amended by the last-mentioned Act (including the penal provisions of those Acts) shall, subject to adaptations, alterations, and exceptions made by such rules, apply in like manner as in the case of a municipal election. Provided that—

35 & 36 Vict. c. 33. 47 & 48 Vict. c. 70. 45 & 46 Vict. c. 50.

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(a) section six of the Ballot Act, 1872, as modified by section seventeen of that Act, shall apply in the case of such elections, and the returning officer may, in addition to using the schools and public rooms therein referred to free of charge, for taking the poll, use the same, free of charge, for hearing objections to nomination papers and for counting votes; and

(b) section thirty-seven of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall apply as if the election were an election mentioned in the First Schedule to that Act.

(4.) The provisions of the Municipal Corporations Act, 1882, and the enactments amending the same with respect to the filling of casual vacancies, shall, subject to the adaptations, alterations, and exceptions made by the said rules, apply in the case of aldermen and councillors of a borough.

Munic. Corp. Act, 1882, s. 68.

(5.) If a person is elected councillor or alderman or commissioner in more than one ward of a borough, urban district, or town, or councillor in more than one county electoral division of a county or district electoral division of a rural district, or both district councillor and guardian in the same union, he shall within three days after notice of the election, choose by writing signed by him and delivered to the town clerk or secretary or clerk of the council or board of guardians or commissioners, or in his default the chairman of the council, board or commissioners shall within three days after the time of choice has expired, declare for which of those wards or divisions he shall serve, and the choice or declaration shall be conclusive.

Costs of elections. L. G. Act, 1894, s. 48 (7).

6.—(1.) The expenses of any election under the Act shall not exceed the scale fixed by the county council with the approval of the Local Government Board, and in the case of the first election under the Act the Local Government Board may frame a scale for the county, and the scale so framed shall apply to the first election, and shall have effect as if it had been made by the county council with the said approval.

L. G. Act, 1888, s. 75 (17).

(2.) All costs properly incurred in relation to the holding of elections of councillors and aldermen of county or district councils, or of guardians in county boroughs and urban county districts or of commissioners of towns, so far as not otherwise provided for by law, shall be paid—

(a) in the case of councillors of a county at large out of the county fund as county at large charges; and

(b) in the case of councillors or aldermen of a county borough, or of any other borough, or of councillors of an urban or rural county district and of guardians in a county borough or an urban county district, out of the borough or district fund of the borough or district, as the case requires, and in the case of commissioners of a town not an urban district out of the funds or rates administered by the commissioners.

L. G. Act, 1888, s. 75 (20).

(3.) A county council shall, on the request of the returning officer, prior to a poll being taken at any election of a councillor of such council, advance to him such sum not exceeding ten pounds for every thousand electors at the election as he may require.

L. G. Act, 1888, s. 75 (19). 38 & 39 Vict. c. 84, ss. 4–7.

(4.) Within twenty-one days after the day on which the return is made of the persons elected at an election under the Act, the returning officer shall transmit to the county or urban or rural district council or town commissioners, as the case requires, a detailed account showing the amounts of all charges claimed by the returning officer, in respect of the election. He shall annex to the account a notice of the place where the vouchers relating to the account may be seen, and he shall at all reasonable times and without charge allow the council or commissioners, or any agent of such council or commissioners, to inspect and take copies of the vouchers.

(5.) The returning officer shall not be entitled to any charges which are not duly included in his account.

(6.) If the council or commissioners object to any part of the claim, they may, at any time within one month from the time when the account is transmitted to them apply for a taxation of the account to the county court having jurisdiction at the place of nomination for the election, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer and to give and enforce judgment for the same as if such judgment were a judgment in an action in such court, and with or without costs at the discretion of the court.

(7.) The court may depute any of its powers or duties under this Article to the registrar or other principal officer of the court.

L. G. Act, 1888, s. 75 (19). 38 & 39 Vict. c. 84, s. 5.

(8.) Every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer for the purposes of an election under the Act, shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

L. G. Act, 1888, s. 75 (19). 38 & 39 Vict. c. 84, s. 7.

(9.) There shall be added to every notice of election to be published under the provisions of the Ballot Act, 1872, the notification following with respect to claims against returning officers; namely—

Take notice, that every person having any claim against a returning officer for work, labour, material, services, or expenses in respect of any contract made with him by or on behalf of the returning officer, for the purposes of an election shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

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L. G. Act, 1888, s. 75 (19). 38 & 39 Vict. c. 84, s. 6.

(10.) Where application is made for taxation of the accounts of a returning officer, he may apply to the said County Court to examine any claim transmitted to him by any person in pursuance of this Article, and the court after notice given to such person, and after hearing him, and any evidence tendered by him, may allow or disallow, or reduce the claim objected to, with or without costs, and the determination of the court shall be final for all purposes, and as against all persons.

L. G. Act, 1888, s. 75 (19). 49 & 50 Vict. c. 57, s. 1.

(11.) The judge or officer by whom any account or claim is taxed or examined under this Article shall deliver to the returning officer and to the other party to the taxation or examination, a certificate showing the items and amounts allowed or disallowed, with a copy of any order or judgment made thereon.

(12.) Either party may, within seven days of the delivery to him of such certificate, give notice in writing to the said judge or officer of intention to appeal, specifying in the notice the items and amounts in respect of which he intends to appeal.

(13.) The said judge or officer shall thereupon forthwith transmit to such taxing officer of the High Court as is directed by rules of court, the said account or claim, with any vouchers relating thereto, the certificate and the notice of appeal; and such taxing officer shall forthwith proceed to review the taxation or examination in the usual manner or in such manner as may be directed by rules of court, and shall, if required, receive evidence in relation to the matters in dispute, and may confirm or vary the certificate, and direct by whom all or any part of the costs of review are to be paid, and shall return the certificate as confirmed or varied to the said judge or officer with any such direction, and effect shall be given to a certificate as so confirmed or varied, and to any such direction, as if the same had been a judgment of the County Court.

(14.) Any taxation or review of taxation under this article shall be subject to appeal to the High Court in like manner as any ordinary taxation of costs is now subject.

Power of Local Government Board or county council to remove difficulties as to elections or to order new election where council unable to act. L. G. Act, 1894, s. 48 (5). L. G. (Elections) Act, 1896, s. 1.

7.—(1.) If any difficulty arises as respects the election of any individual councillor, alderman, guardian, or town commissioner, and there is no provision for holding another election, then, in the case of a county councillor, or of an alderman of a county borough, the Local Government Board, and in any other case the county council, may order a new election to be held and give such directions as may be necessary for the purpose of holding the election.

(2.) If any difficulty arises with respect to any election of members of a county or district council or board of guardians or town commissioners, or to the first meeting after any ordinary triennial election of such members, if elected triennially, or if, from an election not being held, or being defective, or otherwise, any council, or board, or town commissioners, have not been properly constituted, then in the case of a county council the Local Government Board, and in any other case the county council, may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of any such election or meeting, and properly constituting the council or board or commissioners, and may, if it appears to them necessary, direct the holding of an election or meeting, and fix the dates for any such election or meeting.

(3.) Any such order may modify the provisions of the Act, and the enactments applied by, or rules framed under, the Act, so far as may appear to the Local Government Board or county council necessary or expedient for carrying the order into effect.

(4.) A county council may delegate their powers under the foregoing provisions of this Article to a committee. L. G. Act, 1894, s. 59 (5).

(5.) If any district or county council, other than a borough council, or any town commissioners, become unable to act, whether from failure to elect or otherwise, then in the case of a county council the Local Government Board, and in any other case the county council of the county in which the district or town is situate, may order elections to be held, and may appoint persons to form the district or county council or commissioners until the newly elected members come into office.

Acceptance of Office, Fine, Resignation, Casual Vacancy, &c.

Definition of "corporate office." Municipal Corp. Act, 1882, s. 7. L. G. Act, 1888, s. 75.

8. In this Order "corporate office in a county council" means the office of councillor of a council of a county at large, and "corporate office in a council or board," means a corporate office in a county council, and also the office of councillor of a council of an urban county district not a borough or of a rural district and the office of a guardian, and of the chairman or vice-chairman of any such county or district council or of a board of guardians.

Obligation to accept office or pay fine and declaration on acceptance of office. Municipal Corp. Act, 1882, s. 34. L. G. Act, 1888, s. 75 (14). County Councils (Elections) Act, 1891, s. 5.

9.—(1.) Every qualified person elected or chosen to a corporate office in a council or board, unless exempt under this Article or otherwise by law, either shall accept the office by making and subscribing the declaration required by this Order within ten days or in the case of a corporate office in a county council within three months after notice of election, or shall, in lieu thereof, be liable to pay to the council or board a fine of such amount not exceeding fifty pounds, and in case of a chairman or vice-chairman one hundred pounds, as the council or board by bye-law, made in accordance with the enactments relating to the making of bye-laws by such council or board, or if there is no such enactment, made with the approval of the Local Government Board, determine.

(2.) If there is no bye-law determining fines, the fine, in case of a councillor or guardian, shall be twenty-five pounds, and in case of a chairman or vice-chairman, fifty pounds.

(3.) The persons exempt under this section are—

(*a.*) any person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body; and

(*b.*) any person who, being above the age of sixty-five years, or having within five years before the day of his election

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either served the office or paid the fine or non-acceptance thereof, claims exemption within five days after notice of his election.

(4.) A fine payable under this Article shall be recoverable on conviction before a court of summary jurisdiction.

Munic. Corp. Act, 1882, s. 36.

(5.) A person elected or chosen to a corporate office in a council or board shall not, until he has made and subscribed before two members or the secretary or clerk of the council or board, or in the case of a corporate office in a county council, either in that manner or before any justice of the peace or commissioner to administer oaths in the Supreme Court, a declaration as hereinafter mentioned, act in the office except in administering that declaration. The said declaration is as follows:—

Munic. Corp. Act, 1882, Sch. VIII.

I, *A.B.*, having been chosen chairman [or vice-chairman, or councillor or guardian] for the of , hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

L. G. Act, 1888, s. 19 (18) (a).

(6.) Nothing in this Article shall render a person elected or chosen to a corporate office without his consent to his nomination being previously obtained, liable to pay a fine on non-acceptance of office.

Fine on resignation, disqualification by absence, &c. Munic. Corp. Act, 1882, s. 36. L. G. Act, 1894, s. 48 (4) (a).

10.—(1.) A person elected or chosen to a corporate office in a council or board may at any time by writing signed by him and delivered to the secretary or clerk of the council or board, resign the office, on payment of the fine provided for non-acceptance thereof:

Provided that this enactment shall not apply to guardians, and district councillors for a rural district shall be in the same position with respect to resignation as members of a board of guardians.

(2.) In any case of resignation under the foregoing power to resign, the council shall forthwith declare the office to be vacant, and signify the vacancy by notice in writing, signed by three members of the council and countersigned by the secretary or clerk of the council, and notified in such manner as the council direct, and the office shall thereupon become vacant.

Munic. Corp. Act, 1882, s. 39 (4).

(3.) Where a person becomes disqualified by absence for holding a corporate office in a council or board, he shall be liable to the same fine as for non-acceptance of office, recoverable on conviction before a court of summary jurisdiction, but the disqualification shall, as regards subsequent elections, cease on his return.

Re-eligibility of office holders, casual vacancies, and acting of unqualified person in office. Munic. Corp. Act, 1882, s. 37, s. 40 (1) (b).

11.—(1.) A person ceasing to hold a corporate office in a council or board shall, unless disqualified to hold the office, be re-eligible.

(2.) The person elected or chosen to fill a casual vacancy in a corporate office in a council or board, shall hold the office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office.

(3.) In the case of every corporate office in a council or board, non-acceptance of office by a person elected or chosen creates a casual vacancy.

Munic. Corp. Act, 1882, s. 41.

(4.) If any person acts in a corporate office in a council or board without having made the declaration by this Order required, or without being qualified at the time of making the declaration, or after ceasing to be qualified, he shall for each offence be liable to a fine not exceeding fifty pounds, recoverable by action.

(5.) A person being in fact registered in the local government register of electors shall not be liable to a fine for acting in a corporate office in a council or board on the ground only that he was not entitled to be registered therein.

Munic. Corp. Act, 1882, s. 42 (1).

(6.) The acts and proceedings of a person in possession of a corporate office in a council or board, and acting therein, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Disqualifications.

Disqualifications for being councillor, guardian, or town commissioner, and of councillor, guardian, or town commissioner, and their partner for office. L. G. (Scot.) Act, 1889, s. 9 (1). L. G. Act, 1894, ss. 29 (2), 23 (3), 24 (4). L. G. (Scot.) Act, 1889, s. 83 (5). L. G. Act, 1894, s. 46.

12.—(1.) No woman shall be eligible for election or being chosen as a county councillor.

(2) No person shall be disqualified by sex or marriage for being elected or chosen, or being, a guardian, or councillor of a rural or urban district other than a borough, or a town commissioner.

(3.) It shall not be lawful to appoint any member of any county or district council or board of guardians or town commissioners or the partner in business of any such member, to any office or place of profit under the council, board, or commissioners, and the disqualification shall apply to any person and his partners in business during six months next after such person has ceased to be such member.

(4.) A person shall be disqualified for being elected or chosen or being a member of a council of a county or of a district or of a board of guardians or of any town commissioners if he—

(*a*) is an infant or an alien; or

(*b*) has within twelve months before his election, or since his election, received union relief; or

(*c*) has, within five years before his election, or since his election, been convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon, or has, within or during the time aforesaid, been adjudged bankrupt, or made a composition or arrangement with his creditors; or

(*d*) holds any paid office or place of profit under or in the gift or disposal of the council, board, or commissioners, as the case may be, other than that of mayor or sheriff; or

Munic. Corp. Act 1882, s. 12 (1) (a). Munic. Corp. Act 1882, s. 12 (1) (c).

(*e*) is concerned by himself or his partner in any bargain or contract entered into with the council, board, or commissioners, or participates by himself or his partner in the profit of any such bargain or contract or of any work done under the authority of the council, or board, or commissioners, and for the purpose of this provision, any

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bargain or contract with a county council in respect of any public work in a district shall be deemed to be also a bargain or contract with the council of that district.

(5) Provided that a person shall not be disqualified for being elected or chosen or being a member of any such council, board, or commissioners by reason of being, by himself or his partner, interested—

(a) in the sale or lease of any lands or in any loan of money to the council, board, or commissioners, or in any contract with the council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or in the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or

(b) in any newspaper in which any advertisement relating to the affairs of the council, board, or commissioners is inserted; or

(c) in any contract with the council, board, or commissioners as a shareholder in any joint stock company.

(6.) The foregoing provisions of this article shall apply as if any committee of a council, board, or commissioners, or any joint committee partly appointed by a council, board, or commissioners, were that council, board, or commissioners.

(7.) Where a person is disqualified by being adjudged bankrupt or making a composition or arrangement with his creditors the disqualification shall cease in case of bankruptcy, when the adjudication is annulled, or when he obtains his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his part, and, in case of composition or arrangement on payment of his debts in full.

(8.) A person disqualified for being a guardian shall also be disqualified for being a rural district councillor.

L. G. Act, 1888, s. 75 (11).

(9.) If a member of a council of a county or district, or of a board of guardians or of any town commissioners is absent from meetings of the council, board, or commissioners for more, in the case of a county council, than twelve months, consecutively, and in the case of a district council, board, or commissioners than six months, consecutively, except in case of illness or for some reason approved by the council, board, or commissioners, his office shall on the expiration of those months become vacant.

(10.) Where a member of a council or board of guardians or town commissioners becomes disqualified for holding office, or vacates his seat for absence, the council, board, or commissioners shall forthwith declare the office to be vacant, and signify the vacancy by notice signed by three members and countersigned by the secretary or clerk of the council, board, or commissioners, and notified in such manner as the council, board, or commissioners direct, and the office shall thereupon become vacant.

(11.) If any person acts when disqualified or votes when prohibited under this Order, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds, without prejudice to the disqualification enacted by sub-section three of section ninety-four of the Act.

Incorporation of County and District Councils.

Incorporation of county and district councils. L. G. Act, 1894, s. 24 (7).

13.—(1.) Every council for a county or urban or rural district, which is not the council of a borough, shall be a body corporate by the name of the county or urban or rural district council, with the addition of the name of the county or district, or if there is any doubt as to the latter name, of such name as the Local Government Board direct, and shall have perpetual succession and a common seal and may hold land for the purposes of their powers and duties without licence in mortmain.

L. G. Act, 1888, s. 79 (3).

(2.) Where any enactment (whether relating to lunatic asylums or public works or other county purposes, or to grand juries) requires or authorises land to be conveyed or granted to, or any contract or agreement to be made in the name of, the secretary of the grand jury, Clerk of the Peace, or any board, commissioners, or other person, on behalf of a county or any part thereof, such land shall be conveyed or granted to, and such contract and agreement shall be made with, the council of the county concerned.

Change of name of district council. L. G. Act 1894, s. 55 (3) to (5).

14.—(1.) Any district council may, with the sanction of the county council, change their name and the name of their district.

(2.) Every change of name so made shall be published in such manner as the authority authorising the change may direct, and shall be notified to the Local Government Board.

(3.) Any such change of name shall not affect any rights or obligations of any district council, authority, or person or render defective any legal proceedings, and any legal proceedings may be continued or commenced as if there were no change of name.

Property and Expenses.

Transfer of county property and liabilities. L. G. Act, 1888, s. 64 (1) (2) (3).

15.—(1.) On and after the appointed day all property of the grand jury of a county, or held by the secretary to the grand jury, or any justices or treasurer of a county, or board, or commissioners, or otherwise for any public uses and purposes of a county or of any barony or other division thereof, shall pass to and vest in and be held in trust for the council of the county subject to all debts and liabilities affecting it, and shall be held by the county council for the same estate, interest, and purposes, and subject to the same covenants, conditions, and restrictions, for and subject to which that property is or would have been held if the Act had not passed, so far as those purposes are not modified by the Act. Provided that—

(a) the existing records of or in the custody of the court of quarter sessions or county court or, except so far as they relate to the business transferred by the Act to county councils, of the court of assize, shall, subject to any order of the court, remain in the same custody in which they would have been if the Act had not passed; and

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(b) the grand jury of any county may retain any pictures, chattels, or property on the ground that the same have been presented to them or purchased out of their own funds or otherwise belong to them, and are not held for public purposes of the county, and any difference arising between the county council and the grand jury with respect to any such retention shall be referred to and determined by the Local Government Board under the Act.

(2.) On and after the appointed day all debts and liabilities of the grand jury, or of the secretary to the grand jury, or of any justices, treasurer, board, or commissioners, incurred for county purposes, shall become debts and liabilities of the county council, and shall, subject to the provisions of the Act, be defrayed by them out of the like property and funds out of which they would have been defrayed if the Act had not passed.

(3.) The county council shall have full power to manage, alter, and enlarge, and, with the consent of the Local Government Board, to alienate any land or buildings transferred by virtue of the Act, or otherwise vested in the council, but shall provide such accommodation and rooms, and such furniture, books, and other things as may from time to time be determined by the Local Government Board to be necessary or proper for the due transaction of the business, and convenient keeping of the records and documents, of quarter sessions, of the county court, of justices in petty or special sessions or out of session, or of any committee of such quarter sessions or justices.

L. G. Act, 1888, s. 65 (3).

(4.) Where the county council, with the consent of the Local Government Board, sell any land, the proceeds of such sale shall be applied in such manner as the said Board sanction towards the discharge of any loan of the council, or otherwise for any purpose for which capital may be applied by the council.

(5.) This article shall apply to property, debts, and liabilities in connexion with a lunatic asylum in like manner as if the property were held by commissioners for the public uses and purposes of a county, and the debts and liabilities were debts and liabilities of commissioners incurred for county purposes.

(6.) Where the district of a lunatic asylum comprises two or more counties, the foregoing provisions of this Article shall apply with the necessary modification to those counties and to the councils thereof, and the property, debts, and liabilities shall be the joint property, debts, and liabilities of those councils.

Transfer of property from one authority to another. L. G. Act. 1894, s. 67.

16. In any case to which the last foregoing Article does not apply, where any powers and duties are transferred by the Act from one authority to another authority—

(1.) All property held by the first authority for the purpose or by virtue of such powers and duties shall pass to and vest in the other authority, subject to all debts and liabilities affecting the same; and

(2.) The latter authority shall hold the same for the estate, interest, and purposes, and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if the Act had not passed, so far as the same are not modified by or in pursuance of the Act; and

(3.) All debts and liabilities of the first authority incurred by virtue of such powers and duties shall become debts and liabilities of the latter authority, and be defrayed out of the like property and funds out of which they would have been defrayed if the Act had not passed.

Keeping of county council accounts so as to charge expenditure to proper area. L. G. Act, 1888, s. 68 (1) (8).

17.—(1.) The county council shall keep such accounts as will prevent the whole county from being charged with expenditure properly payable by a portion only of the county, and will prevent any sums raised in a portion only of the county being applied in reduction of expenditure properly payable by the whole or a larger part of the county and will prevent any sums by law specifically applicable to any particular purpose from being applied to any other purpose.

(2.) In determining the amount of expenditure for any particular purpose, whether a county at large or district charge, a proper proportion of the cost of the officers and buildings and establishments of the county council may be added to the expenditure directly expended for that purpose.

(3.) This Article shall apply, with the necessary modifications, to a district council.

Payment out of county or rural district fund and in pay committee of county council. L. G. Act, 1888 s. 80 (1) to (3).

18.—(1.) All payments to and out of the county or rural district fund shall be made to and by the county or rural district treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of the Act or any other Act of Parliament or of an order of a competent court, be made in pursuance of an order of the council signed by three members present at the meeting of the council and countersigned by the secretary or clerk of the council, and the same order may include several payments.

(2.) Any such order may be removed into the High Court of Justice by Writ of Certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs, according to the judgment and discretion of the court.

(3.) Every county council shall from time to time appoint a finance committee for regulating and controlling the finance of their county, and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not be made by a county council, except in pursuance of a resolution of the council passed on the recommendation of the finance committee.

(4.) This Article does not apply to the council of a county borough, except when acting as a county council.

Accounts, Audit, and Annual Budget.

Making up and audit of accounts under Act of county and district councils and inspection of accounts. L. G. Act, 1891, s. 58.

19.—(1.) The accounts of the receipts and payments of county and district councils in respect of the poor rate or otherwise of their duties under the Act, and of the committees and officers of those councils, shall be made up yearly to the thirty-first day of March (in this Order referred to as the local financial year), or in the case of accounts which are required to be audited half-yearly, then half-yearly to the

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thirtieth day of September and the thirty-first day of March in each year, and in such form as the Local Government Board prescribe.

(2.) The accounts of all the receipts and payments of every county and district council, and their committees and officers, shall be audited by an auditor of poor law unions, and sections eleven to eighteen of the Local Government (Ireland) Act, 1871, as amended by section six of the Local Government (Ireland) Act, 1872, or any subsequent enactment (including the provisions of those sections which impose penalties or provide for the recovery of sums) shall apply accordingly, except that in the case of the accounts of receipts or payments in respect of the poor rate, or money raised by the poor rate, and of all receipts and payments of the council of a county at large and their committees and officers, the audit shall be half-yearly instead of yearly.

34 & 35 Vict., c. 109. 35 & 36 Vict., c. 69.

(3.) The Local Government Board may, with respect to any audit to which this Article applies, make rules modifying the enactments as to publication of notice of the audit and of the abstract of accounts and the report of the auditor.

(4.) Every Local Government elector in a county or county district may, at all reasonable times, without payment, inspect and take copies of and extracts from all books, accounts, and documents belonging to or under the control of the council of the county or district.

Munic. Corp. Act, 1882, s. 27 (1).

(5.) The treasurer, or where a banking company is treasurer, the secretary or other officer whose duty it is to keep the accounts of the council, shall within one month from the date to which he is required to make up his accounts in each year or half year, submit them with the necessary vouchers and papers to the auditors and they shall audit them.

Returns to Local Government Board. Munic. Corp. Act, 1882, s. 28, subs. (1), (3) to (6).

20.—(1.) The secretary of the county council and the town clerk or clerk of every urban and rural district council shall make a return to the Local Government Board of the receipts and payments to which the preceding Article applies for each local financial year.

(2.) The return shall be in such form and contain such particulars as the Local Government Board from time to time direct.

(3.) The return shall be sent to the Local Government Board within one month after the completion of the audit, or if the audit is half-yearly, the audit for the second half of each financial year.

(4.) If the said secretary or town clerk or clerk fails to make any return required under this Article, he shall for each offence be liable to a fine not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(5.) The Local Government Board shall in each year prepare an abstract of the returns made in pursuance of this Article under general heads, and it shall be laid before both Houses of Parliament.

Annual budget of county councils. L. G. Act, 1888, s. 74.

21.—(1.) At the beginning of every local financial year, every county council shall cause to be submitted to them an estimate of the receipts and expenses of such council during that financial year, whether on account of property, rates, loans, or otherwise.

(2.) The council shall estimate the amount which will require to be raised in the first six months and in the second six months of the said financial year by means of rates.

(3.) If at the expiration of the first six months of such financial year it appears to the council that the amount of the rate estimated at the commencement of the year will be larger than is necessary or will be insufficient, the council may revise the estimate and alter accordingly the amount of the rate.

(4.) This Article does not apply to the council of a county borough except as regards their receipts and expenses as a county council.

Borrowing by County Councils.

Borrowing by county council. L. G. Act, 1888, s. 69 (1) to (9).

22.—(1.) The county council may from time to time, with the consent of the Local Government Board, borrow, on the security of the county fund, and of any revenues of the council, or on either such fund or revenues, or any part of the revenues, such sums as may be required for the following purposes, or any of them; that is to say,—

(*a*) for consolidating the debts of the county; and

(*b*) for purchasing any land or building any building which the council are authorised by any Act to purchase or build; and

(*c*) for any permanent work or other thing which the county council are authorised to execute or do, and the cost of which ought, in the opinion of the Local Government Board, to be spread over a term of years; and

(*d*) for any purpose for which the county council are authorised by any Act to borrow or the cost of which the grand jury were authorised by any Act to spread over a period of years;

but neither the transfer of powers by the Act, nor anything else in the Act shall confer on the county council any power to borrow without the consent above mentioned, and that consent shall dispense with the necessity of obtaining any other consent which may be required by the Acts relating to such borrowing, and the Local Government Board, before giving their consent, shall take into consideration any representation made by any ratepayers or owner of property rated to the poor rate.

(2.) Provided that where the total debt of the county council, after deducting the amount of any sinking fund, and of any debt or capital liability incurred on account of lunatic asylums exceeds, or if the proposed loan is borrowed, will exceed the amount of one tenth of the annual rateable value of the rateable property in the county, the proposed loan shall not be borrowed, except where it is for the purpose of a lunatic asylum, or except in pursuance of a provisional order made by the Local Government Board and confirmed by Parliament.

(3.) A county council may also from time to time, without any consent of the Local Government Board, during the period which was fixed

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for the discharge of any loan raised by them under the Act or transferred to them by the Act, borrow on the like security such amount as may be required for the purpose of paying off the whole or any part of such loan, or if any part of such loan has been repaid otherwise than by capital money, for re-borrowing the amount so repaid, and for the purpose of this Article "capital money" includes any instalments, annual appropriations, and sinking fund and the proceeds of the sale of land or other property, but does not include money previously borrowed for the purpose of repaying a loan.

(4.) All money re-borrowed shall be repaid within the period fixed for the discharge of the original loan, and every loan for re-borrowing shall for the purpose of the ultimate discharge be deemed to form part of the same loan as the original loan and the obligations of the council with respect to the discharge of the original loan shall not be in any way affected by means of the re-borrowing.

(5.) The foregoing provisions with respect to the discharge of a loan transferred to the council by the Act shall extend to any capital liability transferred to them by the Act in like manner as if it were a loan.

(6.) A loan under this Article shall be repaid within such period, not exceeding sixty years, as the county council, with the consent of the Local Government Board, determine in each case, having regard to the duration of the work or object for which the loan is borrowed.

(7.) The county council shall pay off every loan either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with regulations made by the Local Government Board.

(8.) Where a loan is raised for any purpose, the cost of which is not a county-at-large charge, the council shall take care that the sums payable in respect of the loan are charged to the account to which the expenditure for that purpose is chargeable.

(9.) Where the county council are authorised to borrow any money on loan, they may raise such money either as one loan or several loans, and either by stock issued under the Act, or if special reasons exist for so borrowing, by mortgage, in accordance with sections two hundred and forty and two hundred and forty-one of the Public Health (Ireland) Act, 1878. 41 & 42 Vict., c. 52.

(10.) Provided that where a county council have borrowed by means of stock they shall not borrow by way of mortgage except for a period not exceeding five years.

(11.) A joint committee of the councils of counties comprised in a lunatic asylum district may, in accordance with regulations of the Local Government Board, exercise jointly for the purpose of a lunatic asylum the powers of those councils relating to borrowing.

(12.) This Article shall not apply to county boroughs when acting otherwise than in their capacity as a county council and shall not authorise the council of a county borough to raise any loan by stock issued under the Act.

23.—(1.) County stock may be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe. Issue of county stock. L. G. Act, 1888, s. 70.

(2) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners, and for the application of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of this Article, with or without modifications, any enactments relating to stock issued by the corporation of any municipal borough in England or Ireland.

(3.) Such regulations shall be laid before each House of Parliament for not less than thirty days during which the House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with, the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

(4.) If no such resolution is passed it shall be lawful for the Lord Lieutenant in Council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of the Act, and shall be of the same force as if they were enacted in the Act.

Transfer of Powers from Treasury.

24.—(1.) The Local Government Board shall exercise as regards any county borough or other borough, the powers conferred by section one hundred and forty-one of the Municipal Corporations (Ireland) Act, 1840, section seven of the Municipal Corporations (Ireland) Act, 1843, and sections one to seven and nine to eleven of the Municipal Corporations (Mortgages, &c.) Act, 1880, relating to corporate property and liabilities, as respects the approval of loans and of the alienation of property, and other matters therein mentioned, and those sections shall, as respects any transactions commenced after the appointed day, be construed as if "Local Government Board" were throughout those sections substituted for "Treasury." Adaptation of 3 & 4 Vict., c. 108, &c., as to corporate property and liabilities. 23 & 24 Vict., c. 10. L. G. Act, 1888, s. 72.

(2.) Where a local Act contains any provisions relating to the corporate property and liabilities of a borough as respects the approval of loans and the alienation of property and other matters similar to those contained in the sections above mentioned in this Article, that Act shall, as respects any transaction commenced after the appointed day, be construed as if "Local Government Board" were throughout the said provisions substituted for "Treasury."

Boundaries and Adjustment.

25.—(1.) Whenever it is represented by the council of any county or borough to the Local Government Board— Future alteration of boundaries. L. G. Act, 1888, s. 54, sub-s. (1), (5) (a).

(a) that the alteration of the boundary of any county or borough is desirable; or

(b) that the union, for the purposes of the Act, of a county borough with a county is desirable; or

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(c) that the union, for the purposes of the Act, of any counties or boroughs or the division of any county is desirable; or

(d) that the alteration of the boundary of any county electoral division or of the number of county councillors and county electoral divisions is desirable; or

(e) that the alteration of any area of local government partly situate in their county or borough is desirable;

the Local Government Board shall, unless for special reasons they think that the representation ought not to be entertained, cause to be made a local inquiry, and may make an order for the proposal contained in such representation, or for such other proposal as they may deem expedient, or may refuse such order, and if they make the order may by such order divide or alter any county electoral division.

(2.) Provided that if the order alters the boundary of a county or borough, or provides for the union of a county borough with a county, or for the union of any counties or boroughs, or for the division of any county, it shall be provisional only, and shall not have effect unless confirmed by Parliament.

(3.) Where such order alters the boundary of a borough, it may, as consequential upon such alteration, do all or any of the following things:—increase or decrease the number of the wards in the borough, and alter the boundaries of such wards, and alter the apportionment of the number of councillors among the wards, and alter the total number of councillors, and in such case, make the proportionate alteration in the number of aldermen.

Future alteration of urban county districts and wards. L. G. Act, 1888, s. 57.

26.—(1.) Whenever a county council is satisfied that a prima facie case is made out as respects any urban county district not a borough, for a proposal for all or any of the following things; that is to say—

(a) the alteration or definition of the boundary thereof;

(b) the division of an urban county district into wards; and

(c) the alteration of the number of wards, or of the boundaries of any ward, or of the number of members of any urban district council, or of the apportionment of such members among the wards,

the county council may cause such inquiry to be made in the locality, and such notice to be given, both in the locality, and to the Local Government Board, or other Government department as may be prescribed, and such other inquiry and notices (if any) as they think fit, and if satisfied that such proposal is desirable, may make an order for the same accordingly.

(2.) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and otherwise as the county council think fit.

(3.) The order shall be submitted to the Local Government Board; and if within three months after such notice of the provisions of the order as the Local Government Board determine to be the first notice, the council of any district affected by the order, or any number of local government electors registered in that district or in any ward of that district, not being less than one-sixth of the total number of such electors in that district or ward, petition the Local Government Board to disallow the order, the Local Government Board shall cause to be made a local inquiry, and determine whether the order is to be confirmed or not.

(4.) If any such petition is not presented, or being presented is withdrawn, the Local Government Board shall confirm the order.

(5.) The Local Government Board, on confirming an order, may make such modifications therein as they consider necessary for carrying into effect the objects of the order.

(6.) An order under this Article when confirmed by the Local Government Board, shall be forthwith laid upon the table of both Houses of Parliament, if Parliament be then sitting, and, if not, forthwith after the then next meeting of Parliament.

Supplemental provisions as to alteration of areas. L. G. Act, 1888, s. 58.

27.—(1.) An order under the Act may make such administrative and judicial arrangements incidental to or consequential on any alteration of boundaries, authorities, or other matters made by the order as may seem expedient.

(2.) A place which is part of an administrative county for the purposes of the Act shall, subject as in section sixty-nine of the Act mentioned, form part of that county for all purposes, whether sheriff, lieutenant, custos rotulorum, justices, police, militia, coroner, or other.

(3.) For the purposes of parliamentary elections, and of the registration of voters for such elections, the sheriff, clerk of the peace, council, and secretary of the council, of the county in which any place is comprised at the passing of the Act for the purpose of parliamentary elections shall, save as otherwise provided by the order, or by the Act, or by or in pursuance of the Registration (Ireland) Act, 1898, continue to have the same powers, duties, and liabilities as they would have had if no alteration of boundary had taken place, and in the case of the said council and secretary of the council, they and he had had the said powers, duties, and liabilities before the passing of the Act. 61 & 62 Vict. c. 2.

(4.) Any order made in pursuance of the Act may, so far as may seem necessary or proper for the purposes of the order, provide for all or any of the following matters; that is to say:—

(a.) may provide for the abolition, restriction, or establishment, or extension of the jurisdiction of any local authority in or over any part of the area affected by the order, and for the adjustment or alteration of the boundaries of such area, and for the constitution of the local authorities therein, and may deal with the powers and duties of any council, local authorities, quarter sessions, justices of the peace, coroners, sheriff, lieutenant, custos rotulorum, clerk of the peace, and other office therein, and with the costs of any such authorities, sessions, persons, or officers as aforesaid, and may determine the status of any such area as a component part of any larger area, and provide for the election of representatives in such area, and may extend to any altered area the provisions of any local Act which were previously in force in a portion of the area; and

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(*b.*) may make temporary provision for meeting the debts and liabilities of the various authorities affected by the order, for the management of their property, and for regulating the duties, position, and remuneration of officers affected by the order and applying to them the provisions of the Act as to existing officers; and

(*c.*) may provide for the transfer of any writs, process, records, and documents relating to or to be executed in any part of the area affected by the order and for determining questions arising from such transfer; and

(*d.*) may provide for all matters which appear necessary or proper for bringing into operation and giving full effect to the order; and

(*e.*) may adjust any property, debts, and liabilities affected by the order.

(5.) Where an alteration of boundaries of a county is made by the Act, and section seventy of the Act does not apply, and the matter is not met by an adjustment order made in pursuance of an Order in Council under section one hundred and six of the Act making transitory provisions, an order for any of the above-mentioned matters may, if it appears to the Local Government Board desirable be made by that Board, but such order, if petitioned against by any council, grand jury, or local authority affected thereby, within three months after notice of such order is given in accordance with the Act, shall be provisional only, unless the petition is withdrawn or the order is confirmed by Parliament.

(6.) An order may be made for amending any order previously made in pursuance of the Act, and may be made by the same authority and after the same procedure as the original order.

(7.) Where a provision of the Act respecting an order requires the order to be confirmed by Parliament, either in every case or if it is petitioned against, such order may amend any local and personal Act.

General provisions as to alteration of boundaries. L. G. Act, 1883, s. 60.

28. In every alteration of boundaries affected under the authority of the Act, care shall be taken that, so far as practicable, the boundaries of an area of local government shall not intersect the boundaries of any other area of local government.

Determination of differences by Local Government Board. L. G. Act, 1883, s. 69. 59 & 60 Vict. c. 9. 31 & 32 Vict. c. 119.

29. Where the Local Government Board are required in pursuance of the Act to determine or arbitrate on any difference, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted, and in terms made applicable to the Local Government Board and the decision of differences and matters under the Act.

Adjustment of property and liabilities. L. G. Act, 1894, s. 62.

30.—(1.) Where any adjustment is required for the purpose of the Act, or of any order or thing made or done under the Act, then if the adjustment is not otherwise made the authorities interested may make agreements for the purpose, and may thereby adjust any property, income, debts, liabilities, and expenses, so far as affected by the Act or such order or thing, of the parties to the agreement.

(2.) The agreement may provide for the transfer or retention of any property, debts, or liabilities, with or without any conditions, and for the joint use of any property, and for payment by either party to the agreement in respect of property, debts, and liabilities so transferred or retained, or of such joint user, and in respect of the salary or remuneration of any officer or person, and that either by way of an annual payment or, except in the case of a salary or remuneration, by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the Local Government Board: Provided that where any of the authorities interested is a board of guardians, any such agreement, so far as it relates to the joint use of any property, shall be subject to the approval of the Local Government Board.

(3.) In default of an agreement, and as far as any such agreement does not extend, such adjustment shall be referred to arbitration in manner provided by the Common Law Procedure Amendment (Ireland) Act, 1853, as amended by any subsequent enactment, and the arbitrator shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement might have provided. 16 & 17 Vic. c. 113.

(4.) Any sum required to be paid by any authority for the purpose of adjustment may be paid as part of the general expenses of exercising their duties under the Act, or out of such special fund as the authority, with the approval of the Local Government Board, direct, and if it is a capital sum the payment thereof shall be a purpose for which the authority may borrow under the Acts relating to such authority, on the security of all or any of the funds, rates, and revenues of the authority, and any such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Local Government Board may sanction.

(5.) Any capital sum paid to any authority for the purpose of any adjustment under the Act shall be treated as capital, and applied, with the sanction of the Local Government Board, either in repayment of debt or for any other purpose for which capital money may be applied.

Division of Borough into Wards, or alteration of Wards.

Proceedings for division of borough into wards or alteration of wards. 55 & 56 Vict. c. 73, s. 30. 56 & 57 Vict. c. 8.

31.—(1.) If the council of a borough upon a resolution passed by a majority of the whole council agree to petition, and the council thereupon petition, the Lord Lieutenant for the division of the borough into wards, or for the alteration of the number and boundaries of its wards, or for the alteration of the boundaries of the wards of the borough without any alteration of their number, it shall be lawful for the Lord Lieutenant from time to time, by Order in Council, to fix the number of wards into which the borough shall be divided or to order the boundaries of the wards to be altered as the case may be; and the borough shall be divided into that number of wards, or the boundaries of the wards shall be altered as the case may be.

(2.) Notice of the petition, and of the time when it pleases the Lord Lieutenant to order that the same be taken into consideration by the Privy Council, shall be published in the *Dublin Gazette* one month at least before the petition is so considered.

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(3.) Where an Order in Council has been so made, the Chief Secretary shall appoint a commissioner to prepare a scheme for determining the boundaries of the wards and apportioning the councillors and aldermen among them.

(4.) In case of division into wards, the commissioner shall apportion all the councillors and aldermen among the wards.

(5.) In case of alteration of wards, he shall so apportion among the altered wards the councillors and aldermen for those wards as to provide for their continuing to represent as large a number as possible of their former constituents.

(6.) In either case, each councillor or alderman shall hold his office in the ward to which he is assigned for the same time that he would have held it had the borough remained undivided or the wards unaltered.

(7.) If by reason of any division or alteration under this Article any doubt arises as to which councillor or alderman should go out of office, the doubt may be determined by the council.

(8.) The number of councillors assigned to each ward shall be a number divisible by three; and in fixing their number the commissioner shall, as far as he deems it practicable, have regard as well to the number of persons rated in the ward as to the aggregate rating of the ward.

(9.) The commissioner shall make the scheme in duplicate, and shall deliver one of the duplicates to the town clerk, and shall send the other to the Chief Secretary, to be submitted by him to the Lord Lieutenant in Council for approval.

(10.) The scheme shall be published in the *Dublin Gazette*, and shall come into operation at the date of that publication, and thenceforth the boundaries of wards and apportionment of councillors and aldermen determined and made by the scheme shall be observed and be in force.

(11.) If the Lord Lieutenant in Council does not approve the scheme as originally prepared by the commissioner, it shall nevertheless be published in the *Dublin Gazette*, and shall be in force for the purposes of any municipal election until the Lord Lieutenant in Council, on further information and report from the commissioner, definitely approves a scheme in that behalf.

(12.) The commissioner may administer oaths, and may require any person having the custody of any book containing a poor rate made for the borough or any part thereof to produce the book for his inspection; and every person required by the commissioner to answer any question put to him for the purposes of this section shall answer it.

(13.) The commissioner shall have remuneration at the rate of five guineas for every day he is employed over and above his travelling and other expenses, and that remuneration and also the expenses of and incidental to the division of the borough into wards, or the alteration of wards shall be paid out of the borough fund.

(14.) When the powers conferred by this Article have been exercised in pursuance of a petition by the council of any borough, a further petition from the council of the same borough shall not be presented before the expiration of seven years from the date of the previous Order in Council under this Article.

Local Inquiries and Provisional Orders by the Local Government Board.

Application of provisions of 38 & 39 Vict. c. 55, as to local inquiries and provisional orders. L. G. Act, 1888, s. 87 (1), (2), (5).

32.—(1.) Where the Local Government Board are authorised by the Act to make an inquiry, to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, sanction or approval to any matter, or otherwise to act under the Act, they may cause to be made a local inquiry, and in that case, and also in a case where they are required by the Act to cause to be made a local inquiry, section two hundred and nine, two hundred and ten, two hundred and twelve, and two hundred and thirteen, of the Public Health (Ireland) Act, 1878, shall apply as if they were in terms made applicable to the Act.

(2.) Sections two hundred and fourteen and two hundred and fifteen of the Public Health (Ireland) Act, 1878 (which relates to the making of provisional orders by the Local Government Board), shall apply for the purposes of the Act as if they were in terms made applicable thereto.

(3.) Where the Board cause any local inquiry to be held under the Act, the costs incurred in relation to such inquiry, including the salary of any inspector or officer of the Board engaged in such inquiry, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Board may direct, and the Board may certify the amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any council or authority shall be a debt to the Crown from such council or authority.

Construction of Enactments.

Construction of Acts referring to business transferred. L. G. Act, 1888, s. 78.

33.—(1.) All enactments in any Act, whether general or local and personal relating to any business, powers, duties, or liabilities transferred by or in pursuance of the Act from any authority to a county or district council, or guardians, or to any councils jointly, shall, subject to the provisions of the Act, and so far as circumstances admit, be construed as if—

(*a*) any reference therein to the said authority or to any committee or the foreman or a member thereof, or to any meeting thereof (so far as it relates to the business, powers, duties, or liabilities transferred) referred to the county or district council or guardians, or to a committee or the chairman or a member thereof, or to a meeting thereof, as the case requires, and as if

(*b*) a reference to any clerk or officer of such authority referred to the secretary, clerk, or officer of a county or district council or guardians or committee thereof, as the case requires, and as if

(*c*) all reference to the fiat or other sanction of a judge of assize or court or recorder were omitted;

and all the said enactments shall be construed with such modifications as may be necessary for carrying the Act into effect.

(2.) Where under any such enactment as in this Article mentioned any powers, duties, or liabilities are to be exercised or discharged after any presentment, or in any particular manner, or

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at any particular assizes, sessions, or meeting, or subject to any other conditions, the county or district council or guardians may exercise and discharge those powers, duties, and liabilities without any such prior presentment, or in a different manner, or at any meeting of the council or board, or without such other conditions, in manner provided by the Act, and any rules or regulations made in pursuance of the Act; and, subject thereto, shall exercise and discharge them in accordance with the rules regulating the proceedings of the council or guardians, but in the like manner, and at the like time, and subject to the like conditions, so nearly as circumstances admit; and a presentment by a grand jury in relation to any such powers, duties, or liabilities shall cease to be made otherwise than by way of indictment.

(3.) For the purposes of this Article the expression "authority" means any drainage board, commissioners, conservators, or public body, corporate or unincorporate, specified in a Provisional Order transferring any powers, duties, or liabilities to the county council, also any board, grand jury or other local authority mentioned in the Act; and the expression "member of an authority" includes where the authority are a grand jury, any member of a grand jury; and the expression "meeting of an authority" includes the assembly of a grand jury at assizes and a meeting of presentment sessions; and the expression "clerk of an authority" includes, in relation to any grand jury, the secretary of the grand jury.

Summary proceedings for determination of questions as to transfer of powers. L. G. Act, 1894, s. 70 (1), (2). 61 & 62 Vict. c. 37, s. 101 (3).

34.—(1.) If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under the Act to any county or district council, or guardians, or any property is or is not vested in a county or district council, or guardians, that question, without prejudice to any other mode of trying it, may, if the parties to the difference so agree, be referred to and decided by the Local Government Board, but in the absence of such agreement may on the application of the council, guardians, board, commissioners, or other authority concerned, be submitted for decision to the High Court in such summary manner as, subject to any rules of court, may be directed by the Court; and the Court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

(2.) An appeal shall, with the leave of the High Court or Court of Appeal, but not otherwise, lie to the Court of Appeal against any decision under this Article.

Proceedings and Committees of County and District Councils, and Chairman and Vice-Chairman thereof.

Annual meeting of councils of county and districts not boroughs. L. G. Acts, 1894, s. 50 (1); 38 & 39 Vict. c. 55, s. 199, Sched. I. (11). M. C. Act, 1882, s. 61 (2), (4).

35.—(1.) The council of every urban county district not a borough shall hold an annual meeting and other meetings for the transaction of business under the Act once at least in each month, and at such other times as may be necessary for properly executing their powers and duties under the Act.

(2.) The council of every county at large, and of every rural district, shall hold an annual meeting and also meetings at such other times as may be necessary for properly executing their powers and duties under the Act.

(3.) The annual meeting of a rural district council shall be held in each year on the fifth day after the day which was the day of election at the last triennial election of the councillors.

(4.) The annual meeting of a county council shall be held in each year on the twelfth day next after the day which was the day of election at the last triennial election of the councillors.

(5.) At such annual meeting of a county or rural district council—

(a.) if it is the first meeting after a triennial election, the first business than acted thereat shall be the consideration of the question of choosing, and if it is so determined the choice of, additional councillors, and the second business shall be the choice of a chairman and vice-chairman; and

(b.) in the case of any other annual meeting, the first business shall be the choice of chairman and of vice-chairman; and

(c.) in case of equality of votes the chairman of the meeting, although not entitled to vote in the first instance, shall have the casting vote.

Meetings and proceedings county and rural district councils, appointment of committees, minutes, &c. L. G. Act, 1888, s. 75 (15), (21). Munic Corp. Act, 1882, s. 22. L. G. Act, 1894, Sched. I., Part 4.

36.—(1.) This Article and the rules hereinafter set out shall not extend to the council of a county borough, but shall extend to every other county council and to every rural district council.

(2.) The quorum of every such council shall be one-fourth of the whole number of the council.

(3.) The meeting of such council, or of any committee thereof, may be held at such place, either within or without their county or district, as the council from time to time direct.

(4.) Every such council may from time to time appoint, out of their own body, such and so many committees, either of a general or special nature, and consisting of such number of persons, as they think fit, for any purposes which, in the opinion of the council, would be better regulated and managed by means of such committees; but the acts of every such committee shall be submitted to the council for their approval.

Part 4 of First Schedule to L. G. Act, 1894.

(5.) The quorum, proceedings, and place of meeting of a committee, whether within or without the county or district, and the area (if any) within which the committee are to exercise their authority, shall be such as may be determined by regulations of the council appointing the committee, and subject to those regulations, the quorum, proceedings, and place of meeting of a committee, whether within or without the county or district, shall be such as the committee direct, and the chairman at any meeting of the committee shall have a second or casting vote.

(6.) A member of the council shall not vote or take part in the discussion of any matter before the council, or a committee, in which he has, directly or indirectly, by himself or by his partner, any pecuniary interest.

Munic Corp. Act, 1882, s. 23.

(7.) No act or proceeding of the council, or of a committee, shall be questioned on account of any vacancy in their body.

(8.) A minute of proceedings at a meeting of the council, or of a committee, signed at the same or the next ensuing meeting, by the chairman, or by a member, of the council or of the com-

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mittee, describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(9.) Until the contrary is proved, every meeting of the council, or of a committee, in respect of the proceedings whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minutes.

(10.) The rules above mentioned are as follows:—

(I.) The council shall hold four quarterly meetings in every year for the transaction of general business.

Second Schedule of the Municipal Corporations Act, 1882.

(II.) The quarterly meeting shall be held at such hour on such days between the annual meeting and the first day of June then next following as, subject to the provisions of the Act—(*a*) in the case of the county council the council at the annual meeting decide or afterwards from time to time by standing order determine; and (*b*) in the case of a rural district council, the county council from time to time determine.

(III.) The chairman may at any time call a meeting of the council.

(IV.) If the chairman refuses to call a meeting after a requisition for that purpose, signed by five members of the council, has been presented to him, any five members of the council may forthwith, on that refusal, call a meeting. If the chairman, (without so refusing) does not within seven days after such presentation call a meeting, any five members of the council may, on the expiration of those seven days, call a meeting.

(V.) Three clear days at least before any meeting of the council, notice of the time and place of the intended meeting, signed by the chairman, or if the meeting is called by members of the council, by those members, shall be fixed on the hall or other place at which the council is accustomed to meet. Where the meeting is called by members of the council, the notice shall specify the business proposed to be transacted thereat.

(VI.) Three clear days at least before any meeting of the council, a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the secretary or clerk of the council shall be left or delivered by post at the usual place of abode of every member of the council.

(VII.) Want of service of the summons on any member of the council shall not affect the validity of a meeting.

(VIII.) No business shall be transacted at a meeting other than that specified in the summons relating thereto, except in case of the annual meeting, business prescribed by the Act to be transacted thereat.

(IX.) At every meeting of the council, the chairman, if present, shall be chairman. If the chairman is absent, then the vice-chairman shall be chairman. If both the chairman and vice-chairman are absent, then such councillor as the members of the council then present choose shall be chairman.

(X.) The names of the members present as well as of those voting on each question shall be recorded, so as to show whether each vote given was for or against the question.

(XI.) All acts of the council, and all questions coming or arising before the council, may be done and decided by the majority of such members of the council as are present and vote at a meeting held in pursuance of the Act, the whole number present at the meeting, whether voting or not, not being less than one-fourth of the number of the whole council.

Schedule 1 (6) of 38 & 39 Vict. c. 55; s. 59 (1) of L. G. Act, 1894.

(XII.) In case of equality of votes, the chairman of the meeting shall have a second or casting vote.

(XIII.) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose, and shall be signed in manner authorised by the Act.

(XIV.) Subject to an Order of the Lord Lieutenant in Council under Part six of the Act, and to the foregoing provisions of these Rules, the council may from time to time make standing orders for the regulation of their proceedings and business, and vary or revoke the same.

Chairman and vice-chairman of county or rural district council. Munic. Corp. Act 1882, s. 15 (3). L. G. Act. 1888, s. 2 (6).

37.—(1.) The term of office both of the chairman and of the vice-chairman of a county or rural district council shall be one year, but he shall continue in office until his successor has accepted office, and made and subscribed the required declaration.

(2.) Subject to any rules made from time to time by the county or district council, anything authorised or required to be done by, to, or before the chairman may be done by, to, or before such vice-chairman.

Appointment of joint committees. L. G. Act, 1888, ss. 81, 82 (3).

38.—(1.) Any county councils, including councils of county boroughs, may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.

(2.) Any council taking part in the appointment of any joint committee under this Article may from time to time delegate to the committee any power which such council might exercise for the purpose for which the committee is appointed.

(3.) Provided that nothing in this Article shall authorise a council to delegate to a committee any power of making a rate or borrowing any money.

(4.) Subject to the terms of delegation, any such joint committee shall, in respect of any matter delegated to it, have the same power in all respects as the councils appointing it, or any of them, as the case may be.

(5.) The members of a joint committee appointed under the Act shall be appointed at such times and in such manner as may be from time to time fixed by the councils who appointed them, and shall hold office for such time as may be fixed by those councils, so that such committee do not continue for more than three months after any triennial election of councillors of those councils.

(6.) The cost of a joint committee shall be defrayed by the councils by whom its members were

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appointed, in the proportion agreed to by them; and the accounts of such joint committee and their officers shall, for the purposes of the provisions of the Act, be deemed to be accounts of the county councils and their officers.

S. 82 (3) of the L. G. Act, 1888.

(7.) In the case of a joint committee the councils appointing the joint committee shall jointly have the powers given by this Order to each council in respect of a committee appointed by that council.

(8.) This Article shall apply to district councils *inter se* in like manner as to county councils.

Transitional Proceedings and Savings.

Power of Local Government Board to remedy defects. L. G. Act, 1888, s. 108 (1), (3), (4).

39.—(1.) If from any cause there is no returning officer able to act in any county, district, or town at the first election under the Act of a county or district council, or of guardians in a county borough or an urban county district or of commissioners of a town, or no register of electors properly made up or no proper election takes place, or an election of an insufficient number of persons takes place, or any difficulty arises as respects the holding of the first election of county or district councillors, or of guardians in a county borough or an urban county district or, of commissioners of a town, or as to the first meeting of a county council, district council, board of guardians, or town commissioners first elected under the Act, the Local Government Board may by order appoint a returning officer or other officer, and do any matter or thing which appears to them necessary for the proper holding of the first election and for the proper holding of the first meeting of the said council or board or commissioners, and may, if it appears to them necessary, direct a new election to be held, and fix the dates requisite for such new election. Any such order may modify the provisions of the Act, and the enactments applied by the Act, so far as may appear to the Board necessary for the proper holding of the first election and first meeting of the council, board, or commissioners.

(2.) The Local Government Board, on the application of any county or district council, or board of guardians, or town commissioners, may within six months after the day fixed for the first election of the councillors of such council, or board, or commissioners, from time to time, make such orders as appear to them necessary for bringing the Act into full operation as respects the council board or commissioners so applying, and such orders may modify any enactment in the Act or in any other Act, whether general or local and personal, so far as may appear to the Board necessary for the said purpose.

(3.) The Local Government Board may also, if satisfied that an election cannot properly be held for any county or district council, or of guardians, in a county borough or an urban county district or of commissioners of a town, not an urban district by reason of the electoral divisions not having been duly made, cause such steps to be taken as they consider necessary for constituting such electoral divisions and making up the registers of electors.

Current rates, jury lists, &c. L. G. Act, 1888 s. 110.

40.—(1.) Every rate and cess made or apportioned before the appointed day may be assessed, levied and collected, and proceedings for the enforcement thereof taken, in like manner as nearly as may be as if the Act had not passed.

(2.) The accounts of all receipts and expenditure before the appointed day shall be audited, and disallowances, surcharges, and penalties recovered and enforced, and other consequential proceedings had, in like manner as nearly as may be as if the Act had not passed but as soon as practicable after the appointed day; and every authority, committee, or officer whose duty it is to make up any accounts or to account for any portion of the receipts or expenditure in any account, shall, until the audit is completed, be deemed for the purpose of such audit to continue in office, and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as before the appointed day.

(3.) All proceedings, legal and other commenced before the appointed day may be carried on in like manner, as nearly as may be, as if the Act had not passed, and any such legal proceeding may be amended in such manner as may appear necessary or proper in order to bring it into conformity with the provisions of the Act.

(4.) Every militiaman enlisted before the appointed day shall continue liable to serve in the same corps as if the Act had not passed.

Change of name of authority. L. G. Act, 1894, s. 85 (5).

41. The change of name of an urban or rural sanitary authority shall not affect their identity as a corporate body or derogate from their powers, and any enactment in any Act, whether public or local and personal, referring to the members of such authority, shall, unless inconsistent with the Act, continue to refer to the members of such authority under its new name.

Transitory provisions as to lunatic asylums. L. G. Act, 1888, s. 111 (1), (2), (4), (5).

42.—(1.) The governors or directors of an asylum for pauper lunatics holding office on the day fixed for the first election of county councillors under the Act, shall continue to hold office until the expiration of one week after the county council have elected a committee for the like purpose and no longer.

(2.) Any committee elected by the county council shall come into office at the expiration of the said week, and shall be deemed to be a continuance of the said governors or directors.

(3.) Anything done in pursuance of the enactments relating to pauper lunatics by the said governors or directors before the appointment of any committee by the county council shall have effect as if it had been done by the county council or by a committee elected by the county council.

(4.) Where a lunatic asylum district comprises two or more counties, this Article shall apply in like manner as if the joint committee appointed by councils of such counties were the committee above mentioned.

Saving for existing securities and discharge of debts. L. G. Act, 1888, s. 122

43.—(1.) Nothing in the Act shall prejudicially affect any securities granted before the passing of the Act on the credit of any rate cess or property transferred to a council by the Act, and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any autho-

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rity in the exercise of any powers or in relation to any property transferred from them to a council shall be discharged, paid, and satisfied by that council, and where for that purpose it is necessary to continue the levy of any rate or cess or the exercise of any power which would have existed but for the Act, that rate or cess may continue to be levied and that power to be exercised either by the authority who otherwise would have levied or exercised the same, or by the council as the case may require.

(2.) It shall be the duty of every authority whose powers, duties, and liabilities are transferred by the Act to liquidate, so far as practicable before the appointed day, all current debts and liabilities incurred by such authority.

Saving for existing bye-laws. L. G. Act, 1888, s. 128.

44. All such bye-laws, orders, and regulations of any authority, whose powers and duties are transferred by or in pursuance of the Act to any council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, continue in force as if made by that council, and may be revoked or altered accordingly.

Saving for pending actions, contracts, &c. L. G. Act, 1888, s. 124.

45.—(1.) If at the time when any powers, duties, liabilities, debts, or property are, by or in pursuance of the Act, transferred to a council, any action or proceeding or any cause of action or proceeding is pending or existing by or against any authority in relation thereto, the same shall not be in anywise prejudicially affected by the passing of the Act, but may be continued, prosecuted, and enforced by or against the council as successors of the said authority in like manner as if the Act had not been passed.

(2.) All contracts, deeds, bonds, agreements and other instruments subsisting at the time of the transfer in this Article mentioned, and affecting any of such powers, duties, liabilities, debts, or property, shall be of as full force and effect against or in favour of the council, and may be enforced as fully and effectually as if, instead of the authority, the council had been a party thereto.

(3.) All contracts or agreements which prior to the appointed day have been made by the secretary of the grand jury or any grand juror or commissioners or otherwise, on behalf a county or any barony or part of a county, including contracts or agreements relating to lunatic asylums, shall have effect as if the council of that county had been named therein instead of the secretary, grand juror, or commissioner or other person acting on behalf of the county, and may be enforced by or against the county council accordingly.

(4.) This Article shall apply in the case of a committee of any authority in like manner as if the committee were such authority, and the committee of a county council were that council, and as if contracts and agreements by any such committee appointed by a grand jury were contracts or agreements on behalf of a county.

Adaptation of Local Acts.

Adaptation of Local Acts. 60 & 61 Vict. c. 37, s. 101 (2), (d)

46. There shall be made in every local and personal Act such adaptations as appear required to bring it into conformity with the enactments applied by this Order.

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